

By Senator Aronberg

27-569C-04

1                                   A bill to be entitled  
2           An act relating to privacy of personal  
3           information; providing definitions; requiring  
4           certain persons who maintain computerized data  
5           that contains personal information to notify  
6           any state resident whose unencrypted personal  
7           information may have been obtained as a result  
8           of a security breach; providing for forms of  
9           notice; providing for delays in notification in  
10          certain situations; providing an effective  
11          date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. (1) As used in this section, the term:

16           (a) "Breach of security" means the unauthorized  
17 acquisition of computerized data which compromises the  
18 confidentiality, integrity, or security of personal  
19 information maintained by a person. Good-faith acquisition of  
20 personal information by an employee or agent of such person  
21 for legitimate purposes of the person is not a breach of  
22 security.

23           (b) "Person" means any person or political subdivision  
24 as defined in section 1.01, Florida Statutes, or any agency as  
25 defined in section 20.03, Florida Statutes.

26           (c) "Personal information" means an individual's first  
27 name or first initial and last name and at least one of the  
28 following elements:

29           1. Social security number.

30           2. Driver's license number or state identification  
31 card number.

1           3. Account or card number and any required security  
2 code, access code, or password that permits access to that  
3 account.

4           (2)(a) Any person that conducts business in this state  
5 and owns or licenses computerized data that contains personal  
6 information about a resident of this state must notify that  
7 resident regarding any breach of security of the data  
8 immediately following discovery of the breach if the personal  
9 information was, or is reasonably believed to have been,  
10 acquired by an unauthorized person.

11           (b) Any person that conducts business in this state  
12 and maintains computerized data that includes personal  
13 information that is owned or licensed by another person must  
14 notify such owner or licensee regarding any breach of security  
15 of the data immediately following discovery, if the personal  
16 information was or is reasonably believed to have been  
17 acquired by an unauthorized person.

18           (3) Notice may be provided by United States mail or  
19 by:

20           (a) Sending an e-mail notice to each affected  
21 individual for whom it has an e-mail address;

22           (b) Conspicuously posting notice of the security  
23 breach on the person's website; or

24           (c) Providing notification of the security breach to  
25 major statewide media.

26           (d) If a person has established notification  
27 procedures that are otherwise consistent with the requirements  
28 of this section as part of an information security policy,  
29 that person may notify affected individuals pursuant to such  
30 procedures.

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1 (e) Notification may be delayed if a law enforcement  
2 agency determines that the notification will impede a criminal  
3 investigation.

4 Section 2. This act shall take effect July 1, 2004.

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7 SENATE SUMMARY

8 Requires persons who maintain computerized data that  
9 contains personal information about other persons to  
10 notify them of any unauthorized acquisition of such data  
11 due to a security breach. Provides for exceptions and  
12 alternative notice. Provides for delaying such  
13 notification in certain situations. (See bill for  
14 detail.)